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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,227	01/04/2005	Andreas Hillenmeier	1716240	2581

7590  
Robert J Schneider  
Chapman and Cutler  
111 West Monroe Street  
Chicago, IL 60603

11/29/2007

EXAMINER
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LANG, AMY T

ART UNIT	PAPER NUMBER
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3731

MAIL DATE	DELIVERY MODE
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11/29/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/520,227

Applicant(s)

HILLENMEIER ET AL.

Examiner

Amy T. Lang

Art Unit

3731

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims **1-20** are rejected under 35 U.S.C. 102(b) as being anticipated by Ramspeck (US 5,857,903).

Ramspeck discloses an epilating device comprising:

Regarding **claim 1**, a rotary cylinder (7) having clamping means (8) arranged about its circumference in a manner offset in the circumferential direction (fig. 3), wherein actuating means (10, 11) are designed and arranged in a manner that at least two clamping means offset in the circumferential direction are each actuated at the same time (clamping means 8 are arranged on actuating disks 10 and 11, so at least two that are circumferentially offset will be actuated simultaneously).

Regarding **claim 2**, the offset of the simultaneously actuated clamping means (8) is between 3 degrees and 45 degrees (col. 12, line 9).

Regarding **claim 3**, at least two simultaneously actuated clamping means (8) offset in the circumferential direction are arranged to be offset in the axial direction (fig. 2).

Regarding **claim 4**, the clamping means (8) are each comprised of a clamping element (28) fixed relative to the rotary cylinder (7) and a movable clamping element

(41) capable of being pressed against the fixed clamping element (co1.10, line 57-co1.12, line 7).

Regarding **claim 5**, the fixed clamping elements (28) are each formed by a side wall (25) of a hole (21) provided in the rotary cylinder (7), into which one movable clamping element (41) each immerses.

Regarding **claim 6**, the actuating means (10, 11) comprise coupling members (14) extending in the axial direction (68) of the rotary cylinder (7) and cooperating with the clamping means (8) to actuate the same.

Regarding **claim 7**, the coupling members (50-53) are designed as slides (fig. 6, 50, 53) movably guided in the axial direction (68) of the rotary cylinder (7), and wherein movable clamping elements (41) are each coupled with one slide (50-53) in an angularly firm manner (fig. 6).

Regarding **claim 8**, the slides (50-53) are each slidably mounted on two mounting rods (24; co1.10, lines 25-27) extending in the axial direction, slides (50-53) neighboring in the circumferential direction comprising one common mounting rod (23) at most.

Regarding **claim 9**, the movable clamping elements (41) of the respective clamping means (8) actuated simultaneously are associated with a common spring element (19), against the force of which the clamping elements (8) are each displaceable (co1.9, lines 63-67).

Regarding **claim 10**, the slides (50-53) of the respective clamping means (8) actuated simultaneously are guided on two common mounting rods (24, 35) with a

spring element (19) acting in the axial direction being arranged between these slides (fig. 6), and that at least one of these slides (502 and 50) includes a region offset in the direction of rotation of the rotary cylinder (7) and at least another one of these slides (51 and 53) includes a region offset against the direction of rotation of the rotary cylinder (7), with which offset regions the movable clamping element (41 or 47) is each coupled or connected (fig. 6).

Regarding **claim 11**, the actuating means (10, 11) comprise control elements (14) arranged on the end sides of the rotary cylinder (7) and cooperating with the coupling members (50-53) to actuate the clamping means (8) (col. 9, lines 55-67 and col. 10, lines 24-27, col. 11, lines 8-19).

Regarding **claim 12**, on each end side of the rotary cylinder (7) a press roll (16) is arranged, onto which the coupling members run, wherein one of the press rolls is arranged to be offset relative to the opposite press roll in the circumferential direction (fig. 9 and 10) of the rotary cylinder (7).

Regarding **claim 13**, the offset of the press rolls is 60.degree. (fig. 9 and 10 show various degrees of offset).

Regarding **claim 14**, the offset of the simultaneously actuated clamping means (8) is about 32.degree (col. 12, line 9).

Regarding **claim 15**, the clamping means (8) are each comprised of a clamping element (28) fixed relative to the rotary cylinder (7) and a movable clamping element (41) capable of being pressed against the fixed clamping element (fig. 5).

Regarding **claim 16**, the actuating means (10, 11) comprise coupling members (14) extending in the axial direction (68) of the rotary cylinder (7) and cooperating with the clamping means (8) to actuate the same.

Regarding **claim 17**, the actuating means (10, 11) comprise coupling members (14) extending in the axial direction of the rotary cylinder (7) and cooperating with the clamping means (8) to actuate the same.

Regarding **claim 18**, the movable clamping elements (41) of the respective clamping means (8) actuated simultaneously are associated with a common spring element (19), against the force of which the clamping elements (8) are each displaceable.

Regarding **claim 19**, the movable clamping elements (41) of the respective clamping means (8) actuated simultaneously are associated with a common spring element (19), against the force of which the clamping elements (8) are each displaceable.

Regarding **claim 20**, the offset of the press rolls is about 32.degree (fig. 9 and 10 show various possible degrees of offset).

### ***Response to Arguments***

3. Applicant's arguments filed 8/3/2007 have been fully considered but they are not persuasive.

Specifically, applicant argues (A) that at least two clamping means of Ramspeck are offset in a circumferential direction and actuated at the same time.

With respect to argument (A), the instant claims recite this limitation as merely functionally claimed (designed and arranged). The device of Ramspeck comprises all the structural limitations as claimed so therefore is it capable of performing the functional limitations.

4. Applicant's arguments, filed 8/3/2007, with respect to the drawings objection and the 35 USC 112 rejection have been fully considered and are persuasive. The objection and rejection have been withdrawn.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy T. Lang whose telephone number is 571-272-9057. The examiner can normally be reached on M-F 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Todd Manahan can be reached on 571-272-4713. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

11/19/2007

ATL



Todd E. Manahan  
SPE 3731